



13 OCT 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ELELIXIS INC.
Patent Department
170 Harbor Way
P.O. Box 511
San Francisco, CA 94083-0511

In re Application of :
LAMMARS, Allan *et al* :
Application No.: 10/509,669 :
PCT No.: PCT/US03/09485 :
Int. Filing Date: 27 March 2003 :
Priority Date: 27 March 2002 :
Attorney Docket No.: AG03-004C-US :
For: GENERATION OF PLANTS WITH :
IMPROVED PATHOGEN RESISTANCE :

DECISION

This decision is in response to the declaration submitted on 22 August 2005.

The declaration submitted is defective. The declaration is comprised of a first page, one "Page 2 of 2", three "Page 3 of 3" and one "Page 4 of 4." Each page 3 of 3 lists the same inventors, but executed separately. This indicates that at least three copies of the declaration were executed and were pieced together after their execution to create a composite declaration. While it is acceptable for inventors to execute separate copies of the declaration, applicants must submit the entire declaration as it was executed by each inventor. The instant declaration does not comply.

Moreover, the declaration lists the name of the fourth inventor as Tina M. HARWELL. However, the international publication records the inventor as Tina M. HARWEEL. Counsel has not provided an explanation regarding the name change and there is no record of a name change pursuant to PCT Rule 92*bis* in the record.

If the inventor has not legally changed her name, a new declaration signed using the name listed on the international publication for each inventor is needed, or counsel must provide an adequate explanation regarding the change in spelling such as a transliteration error. See § 201.03 MPEP.

Applicants must provide a new declaration within **ONE (1) MONTH** from the mail date of this communication, or any time remaining in the Form PCT/DO/EO/905, whichever is longer. Failure to submit the required reply in the time allotted will result in the **ABANDONMENT** of this application.

10/509,669

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in cursive script, reading "James Thomson".

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302